

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

FELIX DELGADO, CARLOS DOMINGUEZ, LUIS  
MAURISECA, KAE HEUNG PARK, et.al.

SUMMONS IN A CIVIL ACTION

V.

KIKO CONSTRUCTION, INC., REX KIM,  
KWANG YONG BYUN

CASE NUMBER:

08 CV 1984

JUDGE BATTS

TO: (Name and address of Defendant)

Kiko Construction, Inc.  
41 Gleane Street,  
Apt. E-11  
Elmhurst, NY 11373

Rex Kim  
14431 41st Ave.  
Apt. 4 A  
Flushing, NY 11355

Kwang Yong Byun  
14330 38th Ave.  
Apt. 5 N  
Flushing, NY 11354

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Arlene L. Chow (AC 4533)  
Dillon Kim (DK 4121)  
Hogan & Hartson LLP  
875 Third Avenue  
New York, New York 10022  
(212) 918-3000

Tushar J. Sheth (TS 5672)  
Asian American Legal Defense and  
Education Fund  
99 Hudson Street, 12th Floor  
New York, New York 10013  
(212) 966-5932

Steven Choi (SC 1906)  
YKASEC - Empowering  
the Korean American  
Community  
136-19 41st Avenue,  
3rd Floor  
Flushing, New York 11355  
(718) 460-5600

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 28 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>    <div style="text-align: center;"> _____  Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EPS Judicial Process Service, Inc.  
29-27 41<sup>st</sup> Avenue, Suite 812  
Long Island City, NY 11101  
Telephone: 718-472-2900  
Facsimile: 718-472-2909

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FELIX DELGADO, CARLOS DOMINGUEZ, LUIS  
MAURISECA, KAE HEUNG PARK, et al.,

Index Number: 08 CV 1984  
AFFIDAVIT OF SERVICE

Plaintiff (s),

-against-

KIKO CONSTRUCTION, INC., REX KIM, KWANG  
YONG BYUN,

Defendant (s).

-----X  
STATE OF NEW YORK )

:s.s:

COUNTY OF QUEENS )

JONATHAN ALEJANDRO, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years, and  
reside in the State of New York.

On the 29<sup>th</sup> day of February, 2008, at approximately 8:04 p.m. at 144-31 41<sup>st</sup>  
Avenue, Apartment 4-A, Flushing, New York, I served true copies of the SUMMONS IN  
A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH  
A. BATTS and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D.  
FOX, in the above-entitled action, upon REX KIM, defendant herein named, by  
personally delivering to and leaving thereat, true copies of the above mentioned  
documents with Jack Song. At time of service, Mr. Song identified himself as a tenant of  
the aforementioned address and is a person suitable age and discretion at the  
aforementioned address. Also at time of service Mr. Song was given authorization by  
someone inside the apartment to accept service of process for Rex Kim.

Mr. Song is an Asian-American male, approximately 25-30 years of age, 5'8" tall, 165 lbs, with dark and light hair and dark eyes.

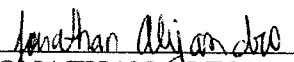
On the 29<sup>th</sup> day of February, 2008, I completed the service of the SUMMONS IN A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH A. BATTS and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D. FOX upon REX KIM, defendant herein named, pursuant to CPLR 308, via First Class Mail. Such service was made by personally enclosing true and correct copies of the aforementioned documents in a properly addressed, postage paid, securely fastened wrapper bearing the legend "personal and confidential", and not indicating by return address or otherwise that such communication was from an attorney or concerned an action pending against him, and then depositing it into an official depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

Rex Kim  
144-31 41<sup>st</sup> Avenue  
Apartment 4-A  
Flushing, New York 11355

Sworn to before me this  
3<sup>rd</sup> day of March, 2008

  
NOTARY PUBLIC

CLENDY J. CALDERON  
Notary Public, State of New York  
No. 01CA6115564  
Qualified in Queens County  
Commission Expires September 7, 2008

  
JONATHAN ALEJANDRO  
Organization License No. 1155020

EPS Judicial Process Service, Inc.  
29-27 41<sup>st</sup> Avenue, Suite 812  
Long Island City, NY 11101  
Telephone: 718-472-2900  
Facsimile: 718-472-2909

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FELIX DELGADO, CARLOS DOMINGUEZ, LUIS  
MAURISECA, KAE HEUNG PARK, et al.,

Index Number: 08 CV 1984  
AFFIDAVIT OF SERVICE

Plaintiff (s),

-against-

KIKO CONSTRUCTION, INC., REX KIM, KWANG  
YONG BYUN,

Defendant (s).

-----X  
STATE OF NEW YORK )

:s.s:

COUNTY OF QUEENS )

JEFFERSON TIRADO, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years, and  
reside in the State of New York.

On the 29<sup>th</sup> day of February, 2008, at approximately 2:55 p.m. at 41-96 Gleane  
Street, Apartment E-11, Elmhurst, New York, I served true copies of the SUMMONS IN  
A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH  
A. BATTS and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D.  
FOX, in the above-entitled action, upon REX KIM of Kiko Construction, Inc., defendant  
herein named, by personally delivering to and leaving thereat, true copies of the above  
mentioned documents with an employee of Kiko Construction, Inc. At time of service,  
the employee refused to identify himself by name; however is a person suitable age and  
discretion at the aforementioned address.

The employee can best be described as a Hispanic male, approximately 25-30 years of age, 5'9" tall, 185 lbs, with dark hair and dark eyes.

On the 29<sup>th</sup> day of February, 2008, I completed the service of the SUMMONS IN A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH A. BATTS and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D. FOX upon REX KIM of Kiko Construction Inc., defendant herein named, pursuant to CPLR 308, via First Class Mail. Such service was made by personally enclosing true and correct copies of the aforementioned documents in a properly addressed, postage paid, securely fastened wrapper bearing the legend "personal and confidential", and not indicating by return address or otherwise that such communication was from an attorney or concerned an action pending against him, and then depositing it into an official depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

Rex Kim  
Kiko Construction Inc.  
41-96 Gleane Street  
Apartment E-11  
Elmhurst, New York 11373

Sworn to before me this  
29<sup>th</sup> day of February, 2008

  
NOTARY PUBLIC

CLENDY J. CALDERON  
Notary Public, State of New York  
No. 01CA6115564  
Qualified in Queens County  
Commission Expires September 7, 2008

  
JEFFERSON TIRADO  
Organization License No. 1155020